

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JAVIER PENA-ORDONEZ,

Plaintiff,

V.

CITY OF FARMERS BRANCH POLICE
DEPARTMENT, ET AL.

Defendants.

§
§
§
§
§
§
§
§
§
§

No. 3:13-cv-420-M

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing the Findings, Conclusions, and Recommendation of the United States Magistrate Judge for plain error, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

Plaintiff's claims against the Farmers Branch Police Department and his allegations of excessive force are summarily DISMISSED pursuant to 28 U.S.C. § 1915(e)(2). Plaintiff's claims against Officer Purvis alleging wrongful arrest, denial of counsel, and unlawful seizure are STAYED until the state criminal charges are finally resolved. The Clerk is instructed to administratively close this case for statistical purposes. Once the state criminal proceedings against Plaintiff are concluded, he may file a motion to reopen the case.

SIGNED this 21st day of March, 2013.



BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS